

REMARKS

This Amendment is filed in response to the Office Action mailed June 20, 2005.

All objections and rejections are respectfully traversed.

Claims 1 to 23 are in the application and currently pending.

Claim 23 was added to better claim the invention.

At paragraphs 1-15 of the Office Action, claims 1-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Dennis, US Patent No. 6,792,556 issued on September 14, 2004, hereinafter Dennis

The present invention, as set forth in representative claim 1, comprises in part:

1. ***A removable nonvolatile memory device*** for use in a file server having an operating system kernel, comprising:
 - a plurality of partitions, each of the plurality of partitions capable of storing differentiated information;***
 - a first kernel image, the first kernel image stored in a first partition of the plurality of partitions; and
 - a second kernel image, the second kernel image stored in a second partition of the plurality of partitions

By way of background, Dennis discloses a system for boot record recovery. The system determines if a boot record is virus free. If the boot record is virus free, then a snapshot of the clean boot record is stored in non-volatile memory. The non-volatile memory can be a partition of various local drives, such as C:, D:, or E:. (Dennis Col. 5, lines 63-65) During the boot process, the contents of the current boot record are compared with the snapshot of the boot record to determine whether a mismatch exists. If a

mismatch exists, then the user determines which boot record to use. If there is not a mismatch, then the boot record is used.

Applicant respectfully urges that Dennis does not show Applicant's claimed novel *removable nonvolatile memory device ...with a plurality of partitions, each of the plurality of partitions capable of storing differentiated information*. In further detail, the removable nonvolatile memory device is a relatively large-capacity, separate memory component that interfaces with, but is not an integral part of, the motherboard. The various partitions of the removable nonvolatile memory device are able to hold differentiated data such as kernel and diagnostic software. On the other hand, Dennis uses partitions of the hard drive for storing boot records. Applicant's use of the removable nonvolatile memory device allows manufacturers to delineate storage operating system software and configuration information in partitioned form. In addition, the partitioned form allows the last known good kernel to be saved on the removable nonvolatile memory device.

Applicant respectfully urges that the Dennis patent is legally precluded from anticipating the claimed invention under 35 U.S.C. § 102 because of the absence from the Dennis patent of Applicant's *removable nonvolatile memory device ...with a plurality of partitions, each of the plurality of partitions capable of storing differentiated information*.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

PATENTS
112056-0033
P01-1167

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Shannen C. Delaney", written over a horizontal line.

Shannen C. Delaney

Reg. No. 51,605

CESARI AND MCKENNA, LLP

88 Black Falcon Avenue

Boston, MA 02210-2414

(617) 951-2500